

REMARKS

Rejection of Claims

Claims 1-14 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants amended claim 1 herein thereby obviating this rejection. Support for the amendment may be found at the top of page 4. Applicants request the withdrawal of this rejection under 35 U.S.C. §112.

Claims 1-3, 5, 9, 13 and 14 were rejected under 35 U.S.C. §102(a) as being anticipated by Vorbach, et al. Properties of carbon filed cellulose filaments. Applicants traverse this rejection.

Applicants have included herewith a Declaration by Mr. Eberhard Taeger (Appendix A) executed by Mr. Taeger stating that he is a co-inventor of the presently claimed invention and also co-author of the cited publication describing the present inventors' work. Mr. Taeger states that Thomas Schulze was not physically in the lab when the article was written and reviewed. However, the article and the current application include research data from all three inventors. Thus, Thomas Schulze was properly included as a co-inventor of the present invention.

The presently enclosed declaration, and the declaration by Dr. Vorbach filed on June 8, 2004 provides competent evidence to convince the Office as to why the Vorbach, et al. publication names only Dr. Vorbach and Mr. Taeger and why the additional inventor was named as a co-inventor on the application. Further, there is no reason to doubt the statements of Dr. Vorbach and Mr. Taeger as to the inclusion of Thomas Schulze as the additional inventor because there is no benefit to the other two inventors. Applicants submit that the enclosed declaration is sufficient to remove the cited publication under 35 USC 102(a).

Conclusion

The pending claims, as now amended, patentably distinguish over the prior art, and in view of the foregoing remarks, it is respectfully requested that all rejections be withdrawn thereby placing the application in condition for allowance. Notice of the same is earnestly solicited. In the event that

any issues remain, Examiner Tentoni is requested to contact the undersigned attorney at (919) 419-9350 to resolve same.

Respectfully submitted,



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